

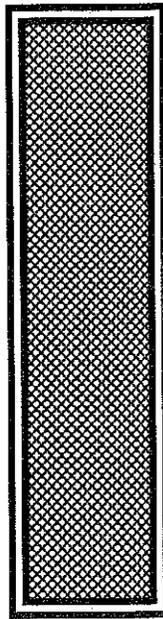
**BOROUGH
OF
PENNINGTON**

**MERCER COUNTY
NEW JERSEY**

**LAND USE PLAN AMENDMENT:
SUPPLEMENTAL MODIFICATIONS TO
THE SEPTEMBER 2013 MASTER PLAN
AND DEVELOPMENT REGULATIONS
PERIODIC REEXAMINATION REPORT**

February 2014

As Adopted March 12, 2014



**PREPARED BY COPPOLA & COPPOLA ASSOCIATES
PRINCETON JUNCTION ~ NEW JERSEY**

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**THE ORIGINAL OF THIS REPORT WAS
SIGNED AND SEALED
IN ACCORDANCE WITH N.J.S.A. 45:14A-12**



Cindy D. Coppola, P.P. # 4478

**PREPARED BY: COPPOLA & COPPOLA ASSOCIATES
PRINCETON JUNCTION ~ NEW JERSEY**

**BOROUGH OF PENNINGTON
MASTER PLAN**

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INTRODUCTION

The current "1998 Master Plan" of the Borough of Pennington was adopted on December 9, 1998 by the Borough Planning Board and includes the following plan elements:

1. Land Use Plan;
2. Housing Plan;
3. Circulation and Sidewalk Plan;
4. Utility Service Plan;
5. Historic Preservation Plan;
6. Community Facilities, Recreation, and Conservation Plan;
7. Regional Planning Considerations; and
8. Borough Center Area Plan.

In addition to the above plan elements included in the "1998 Master Plan", a separate "Housing Plan Element" was adopted on October 17, 1995 to address the second round (1993-1999) municipal affordable housing obligation, and a subsequent "Housing Plan Element And Fair Share Plan" was adopted on December 10, 2008 to address the then operative "Third Round Substantive Rules" and the resulting municipal affordable housing obligations through the end of 2018.

The Planning Board also adopted a separate "Historic Preservation Master Plan Element" in 2010 and, on May 2, 2011, the Borough Council adopted the ordinance provisions that govern the Pennington Crossroads Historic District.

In accordance with N.J.S.A. 40:55D-89 of the Municipal Land Use Law, the Pennington Borough Planning Board reexamined the "1998 Master Plan" in 2005 and again in 2013 and made recommendations for a number of changes to the Master Plan and its various plan elements as well as to the implementing Development Regulations.

The primary focus of the "Master Plan And Development Regulations Periodic Reexamination Report" (the 2013 Reexamination Report), which was dated September 2013 and was adopted on October 9, 2013, was related to the "Land Use Plan" element of the Master Plan and the land area located within Tax Map Block 206, which is bordered by State Highway Route 31 to the west, West Delaware Avenue to the south, Broemel Place to the north and the railroad to the east. Additionally, the 2013 Reexamination Report reexamined the Borough's Stormwater Management Plan, the adequacy of public sewer and water, and the Borough's affordable housing obligation.

The "Land Use Plan" element recommendations in the 2013 Reexamination Report were based upon a "Route 31 Redevelopment Study" that was prepared for the Borough in consideration of the potential redevelopment of three (3) municipally owned lots within Tax Map Block 206, including the former landfill site which is the largest of the three (3) municipal lots. The "Route 31 Redevelopment Study", with its recommendations to create a new mixed use overlay zone for most of the land area located within Block 206 and also to make traffic and pedestrian improvements in this portion of the Borough, was adopted by reference as part of the 2013 Reexamination Report.

Additionally, the 2013 Reexamination Report recommended that the entire block be rezoned to "BH" Business Highway, with zoning provisions to be revised to include municipal services in recognition of the existing fire department and first aid uses. Also, a new overlay zone replacing the "Affordable Housing Overlay Zone" was recommended for all but three (3) developed lots in Block 206, including a recommendation to locate affordable housing units over permitted non-residential uses.

Within the 2013 Reexamination Report, there was reference to the 2005 Reexamination Report which identified and discussed other land use planning problems in addition to those identified in the Borough's stated Master Plan goals and objectives. One of the planning problems centered on the State Highway Route 31 Corridor and the need to modify the zoning provisions of the "MU-3" Mixed Use Zone 3 district to help effectuate the goals of the Master Plan.

However, as later noted in the 2013 Reexamination Report, this recommendation of the 2005 Reexamination Report to modify and upgrade the "MU-3" zoning district provisions was not yet accomplished because of the uncertainty of the specific needs of a prospective developer. However, since the adoption of the 2013 Reexamination Report, a potential developer has expressed interest in developing the land area within the "MU-3" zoning district and, as a result, there is now a meaningful opportunity for the Borough Planning Board to reexamine the existing provisions of the "MU-3" zoning district and recommend changes to those zoning provisions in order to advance the goals and objectives of the Borough's Master Plan in cooperation with the prospective developer.

Therefore, it is the purpose of this report to recommend further amendments and modifications to the "Land Use Plan Element" portion of the Pennington Borough Master Plan and to supplement the 2013 Reexamination Report, particularly regarding the land area zoned within the "MU-3" Mixed Use Zone 3.

MASTER PLAN GOALS & OBJECTIVES RELATED TO THE "MU-3" ZONE

Of the five (5) valid goals and objectives relating to the municipality's land development and land use policies which were included in the "1998 Master Plan", the one (1) goal that is specific to any future development of the "MU-3" zoning district reads as follows:

- "1. The Borough should remain primarily a residential community.
 - Existing residential use areas should be maintained.
 - New residential development should be consistent in scale and character to existing development.
 - Open space and recreational areas, both public and private, should be preserved and enhanced (e.g. green linkages to nearby preserved areas, environmental protection, stream corridor protection, etc.)."

Additional land use planning problems which impacted the achievement of the Borough's goals and objectives were initially identified and discussed in the 2005 Reexamination Report and later were reiterated in the 2013 Reexamination Report. Those that are relevant to the "MU-3" zoning district are as follows:

- The Prevailing Residential Character Of The Borough: The 2005 Reexamination Report noted that the Borough's existing residential character could be threatened by the desire for homes that are larger than those historically built in the Borough, and it was suggested that the requirements for the residential zoning districts should be reexamined.
- The State Highway Route 31 Corridor: A "Route 31 Design Study", dated December 2002, detailed design guidelines for the corridor and for cartway improvements along State Highway Route 31.

While most of the recommendations in the 2002 "Route 31 Design Study" were geared towards traffic and the highway itself as well as adjacent non-residential development, there were some pertinent recommendations within the report that should be considered in any modification and upgrade to the zoning provisions of the "MU-3" zoning district, as follows:

- "Work to give the Rt. 31 south of Pennington Point the character of a Pedestrian friendly "Main Street" or Boulevard using buildings and trees close to the street to give a pleasing human scale and to calm through traffic. It should not be a high speed conduit for through traffic that cuts the community apart and requires screening and separation from the surrounding neighborhoods."

- "Work to create clear and attractive gateways to Pennington Borough and its Central Business District off of the Rt. 31 corridor at the West Delaware intersection - especially for those travelling Rt. 31 for the first time or unfamiliar with the area. Pennington does not want its "face" on the road to be an uncoordinated and undervalued area of strip malls (although it does want it to be its contact area for regional vehicular traffic and high volume uses). The current area between the Conrail tracks and Rt. 31 to the west should be redeveloped over time to form a mixed-use center that is much more integrated into and part of the Main Street, Pennington core. Rather than providing competition to the Main Street businesses this area could accommodate a central parking structure that would add commercial vitality and increase walk-in trade throughout the entire core."
- "In all areas of Rt. 31 it is imperative to limit new curb cuts and to consolidate old ones."

THE CONTINUING AFFORDABLE HOUSING OBLIGATION

As discussed in the 2013 Reexamination Report, the Borough of Pennington has a second round affordable housing obligation (1993-1999) for twenty (20) affordable units, which was reduced from fifty-two (52) affordable units due to a vacant land adjustment. This left an "unmet need" of thirty-two (32) affordable housing units which was to be addressed as part of an inclusionary, mixed use development on the former landfill site owned by the Borough or elsewhere in the Borough if emerging opportunities arose for the development of affordable housing units.

Of the twenty (20) affordable housing unit obligation, eight (8) non age-restricted affordable housing units were to be provided as part of any future development on the Capital Health Care Systems site. To address this obligation, the Borough zoned the Capital Health Care Systems site, a thirteen (13) acre lot located directly north of West Franklin Avenue, east of State Highway Route 31, and west of Knowles Street and known as Lot 1 in Tax Map Block 102, as a "MU-3" Mixed Use Zone 3 which required the site to be developed as a mixed use development consisting of residential and non-residential uses with an affordable housing component.

Due to the then ownership of the site, the permitted non-residential uses included various types of offices, health care facilities, assisted care living units, age-restricted housing and medical staff residences. The permitted residential uses were limited to a maximum of forty (40) total housing units within an attached or multi-family development; the affordable housing component could consist of rental apartments or a group home, provided that the development resulted in eight (8) affordable housing unit credits.

While the Borough continues to work towards providing for affordable housing and meeting its mandated obligation, the development of any affordable housing on the Capital Health Care Systems site has been in limbo. Capital Health Care Systems has moved its operations to another larger campus in Hopewell Township and put the subject site up for sale. Over time, potential developers of the site have expressed interest in acquiring the land area, but only recently when the State Department of Environmental Protection approved an Amended Wastewater Management Plan for the Borough and County, which included a proposed expansion of the Stony Brook Regional Sewerage Authority's treatment plant, did the prospect for adequate public sewer and water services for any large scale development become a reality. Therefore, the ability to develop the entire subject site as a cohesive single entity is contingent upon adequate sewage treatment capacity being available.

Another impediment to any development of the subject site was the expressed difficulty in interpreting the adopted "MU-3" ordinance provisions governing the development of the Capital Health Care Systems site and the outdated and obsolete land uses included therein, many of which were geared towards the health industry of the owner.

As previously noted, a new prospective developer has expressed interest in developing the thirteen (13) acre Capital Health Care Systems lot that comprises almost all of the "MU-3" zoning district land area, and the developer has presented conceptual ideas to the Borough for consideration, which includes affordable housing.

RECOMMENDED CHANGES TO THE MASTER PLAN AND DEVELOPMENT REGULATIONS

In order to provide a realistic opportunity for the development of the "MU-3" zoning district and the required affordable housing component, it is recommended that the provisions of the "MU-3" zoning district be revised to allow for a broader and more suitable type of development on the thirteen (13) acre tract of land that accounts for all the "MU-3" zoned land except for a small municipally owned utility lot.

Because Capital Health Care Systems no longer plans to retain ownership of the site and develop it with medically related land uses, health care facilities and medical staff residences no longer are viable uses for the site and should be eliminated from the "MU-3" zoning provisions. Additionally, the permitted non-residential use for assisted care living should no longer be included as a permitted use, because an assisted living facility was constructed a number of years ago directly across State Highway Route 31, and it is unlikely that a second such facility would be a reasonable use on the thirteen (13) acre site.

Without the medical components of the permitted non-residential uses, the currently permitted office uses most likely would not be viable and are not a compatible land use with the required residential component of the mixed use development.

Moreover, the topography of the site makes it difficult, if not impossible, to have direct vehicular access to State Highway Route 31. Without a medical campus or other large-scale, integrally designed campus with its own internal circulation system providing access to individual uses, most individual non-residential uses could not function without direct access to the highway.

Therefore, it is recommended that the permitted land uses for the entire "MU-3" zoning district consist of residential uses, municipal facilities and common open space. The residential uses should be comprised of a maximum of forty (40) single-family attached units and a maximum of forty (40) age-targeted single-family attached units, for a maximum total of eighty (80) dwelling units and with twenty percent (20%) of the total units set aside for occupancy by eligible "low" and "moderate" income families. At least fifty percent (50%) of the total number of dwelling units shall be age-targeted. A maximum density of six and one-quarter (6.25) dwelling units per acre should be established.

No dwelling unit should contain more than three (3) bedrooms, and age-targeted single-family attached dwelling units should be required to have the master bedroom on the first floor. The non age targeted single-family attached units should be townhouse units, except that the smaller affordable housing units may be one above the other but within a townhouse building.

Passive and/or active recreation facilities should be provided in the development for a gathering place for all residents. Good pedestrian circulation, both within the development and connecting to other areas of the Borough, is imperative. Both pedestrian and vehicular circulation should be continuous throughout the development.

Townhouses should be at least twenty feet (20') wide but no wider than twenty-six feet (26'), with a maximum of eight (8) units per building. No age-targeted dwelling unit should exceed thirty-five feet (35') in width, and no more than four (4) units should be attached in any one (1) building. The maximum size and height of each unit should be consistent with the residential character of the rest of the Borough, with market rate units ranging in size from 1,600 to 2,400 square feet.

The rear of any dwelling unit should not face any Borough road unless sufficiently buffered, and the development of the "MU-3" zoning district should enhance the existing streetscape along Knowles Street and West Franklin Avenue. Along State Highway Route 31, adequate landscape buffering at least fifty feet (50') in depth should be provided between the highway and any development in the "MU-3" zoning district. Similarly, adequate landscape screening should be provided between the Pennington Pointe age-restricted residential development to the north and the subject residential development, where necessary. Existing vegetation shall be retained along the tract boundary to the greatest extent possible.

Regarding distances between buildings, it is recommended that buildings be set apart an adequate distance for sufficient emergency access. Front yard setbacks should be adequate to provide off-street parking in front of units in accordance with the Residential Site Improvement Standards.

In order to maximize common open space areas and provide sufficient landscaping throughout the development, any fee simple lots should be coterminous with the dwelling footprint except for small rear and front yard areas. Strong architectural controls governing the appearance of the dwellings and lots should be included in any homeowners' association documents and/or lease agreements. All land area outside the small fee simple lots shall be common open space, which shall be attractively landscaped and maintained by the homeowners' association for the benefit of the entire development.

And most importantly, the entire thirteen (13) acre land area in the "MU-3" zoning district should be planned, designed and approved as a single entity with a common architectural theme.

The drafters of any implementing ordinance provisions for the new "MU-3" zoning district should be guided by the specific recommendations in the Amendment, but it is understood that the dimensions, distances and other similar bulk standards set forth herein are not final and may be modified once an acceptable concept plan has been presented to the Borough for its consideration.